
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CARLOS OCHOA-OROZCO, #26996-078

§

versus

§

UNITED STATES OF AMERICA

§ CIVIL ACTION NO. 4:20-CV-518
§ CRIMINAL ACTION NO. 4:17-CR-47(2)

AMENDED ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (#24) recommending that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be denied and dismissed with prejudice. On September 26, 2023, no objections having been filed, the Court adopted the Report and Recommendation and issued its Order of Dismissal and Final Judgment (##27, 28). Six days later, on October 2, 2023, the Court received Movant's objections (#29). Movant stated that he executed his objections on September 22, 2023 (#29 at 12); thus, the objections are considered timely.¹ The Court has conducted a *de novo* review of Movant's objections. At best,² Movant's objections are simply reurging issues raised in his § 2255 Motion.

¹ Movant states that he placed the objections in the prison mail system on April 15, 2022 (#29 at 13), which simply cannot be correct. The Report and Recommendation was not issued until September 5, 2023 – more than 16 months later. However, considering that Movant claimed to execute his objections on September 22, 2023, they are considered timely.

² The Court notes that in all but his first two issues, Movant states, “For specificity and support of each claim, see above and previous pleadings and facts and evidence surrounding each specific claim.” (#29 at 7-9). In the Report and Recommendation, Movant was informed that he must file specific written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). It was further explained, “To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge’s report and recommendation where the disputed determination is found.” Movant’s repetitive sentence referencing previous pleadings and facts and evidence surrounding each claim is not sufficient.

The Court hereby concludes that the findings and conclusions of the Magistrate Judge are correct, and the objections of Movant are without merit.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A Certificate of Appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 19th day of October, 2023.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE